

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Yucaipa Mobilehome Residents' Association ("YMRA"), a California nonprofit corporation, by Len Tyler, President of YMRA, as representative of the residents of Knollwood Mobilehome Park; Edna Jenkins, a represented Member of YMRA, an individual and resident of Knollwood Mobilehome Park; and Nancy L. Carlisle, a represented member of YMRA, an individual and resident of Knollwood Mobilehome Park,

Complainants,

vs.

Knollwood Mobilehome Estates, Ltd., a California Limited Partnership, doing business as Knollwood Mobilehome Estates,

Defendant.

Case 01-06-008  
(Filed June 4, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
RESPONDING TO PARTIES' MOTIONS**

This ruling responds to a motion by Knollwood Mobilehome Estates, Ltd. (Knollwood) to disqualify an attorney representing Yucaipa Mobilehome Residents' Association, et al. (Yucaipa). This ruling also responds to a motion to compel discovery filed by Yucaipa.

### **Motion to Disqualify**

Knollwood asks that an attorney representing Yucaipa be disqualified on grounds of a potential conflict of interest and a potential violation of the attorney-client privilege. (*See, e.g.*, Rule 3-310(B), (C), and (E) of the California Rules of Professional Conduct.) The attorney in question previously represented the City of Yucaipa, which in earlier proceedings in the city's Rent Review Commission and in San Bernardino Superior Court took a position in favor of Knollwood and opposed to some of the same allegations raised here by Yucaipa.

Yucaipa has not responded to the motion to disqualify. However, by letter dated April 11, 2002, the Richard I. Singer Law Offices has asked to be substituted as counsel for Yucaipa in place of the challenged lawyer.

The letter of April 11, 2002, will be regarded as a motion to substitute counsel, and that motion is granted. The service list for this case will be revised to delete the name of former counsel and substitute the Richard I. Singer Law Offices as counsel for Yucaipa. In view of this, the motion to disqualify is moot, and the motion is dismissed.

Counsel for Yucaipa is reminded that it is required to serve its written opening testimony by May 14, 2002, on opposing counsel and on the undersigned administrative law judge. Two extensions of time have been granted in this case, and no further extension will be granted.

### **Motion to Compel**

Yucaipa has filed a motion to compel Knollwood to respond to Yucaipa's data request for documents detailing the costs of mobilehome park improvements that Knollwood contends are part of the sub-metered system for gas and electricity. Knollwood responds that it either does not have the documents sought or that the documents are included in the file of the Yucaipa

Rent Review Commission. Knollwood also resisted discovery pending a ruling on its motion to disqualify Yucaipa's counsel.

This ruling takes official notice that Yucaipa's allegations here are similar, if not identical, to allegations raised and litigated before the Rent Review Commission and the Superior Court. It is not clear, and Yucaipa does not explain, why it has not obtained the documents it seeks by examining the records of the Rent Review Commission and Superior Court proceedings.

Commission practice is that responses to written data requests are to be made within 10 days of service. This ruling directs Knollwood within 10 days to furnish all records in its possession responsive to Yucaipa's data request, provided that such records are not duplicates of records already available to Yucaipa in the Rent Review Commission and Superior Court files.

**IT IS RULED** that:

1. The motion to substitute counsel for complainants is granted.
2. The motion to disqualify previous counsel for complainants is dismissed as moot.
3. The motion to compel discovery is granted to the extent set forth in this ruling.

Dated April 17, 2002, at San Francisco, California.

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/s/ GLEN WALKER  
Glen Walker  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Responding to Parties' Motions on all parties of record in this proceeding or their attorneys of record.

Dated April 17, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.